

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 8180 (ANIMAL CONTROL REGULATIONS); DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, the City of North Little Rock ("the City") regulates animal control through Ordinance No. 8180 ("Animal Control Regulations") adopted on June 6, 2009; and

WHEREAS, there has been some confusion regarding the guidelines for sterilization of impounded dogs and cats, and Section 3.1.5 of the Animal Control Regulations should be amended to clarify the regulations set forth in said section.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS:

SECTION 1: That Section 3.1.5 of Ordinance No. 8180 ("Animal Control Regulations") is hereby amended as follows:

3.1.5 Sterilization of impounded dogs and cats. It shall be unlawful for any pound, shelter, or humane organization ~~supported wholly or partly by public funds~~ to release to a new owner any dog or cat over the age of two (2) months which has not been sterilized ~~to a new owner unless~~, *except* when sterilization is not advisable as provided in this section herein below, ~~a promise~~ Any delay in sterilization requires execution of an approved sterilization agreement to spay or neuter the animal ~~has been signed by the person acquiring the animal.~~

- (A) The sterilization agreement shall bear a date by which the sterilization must occur, except that the releasing agency may grant an extension of time not to exceed 30 days upon the request of the owner.
- (B) The sterilization agreement shall be binding, and failure to comply shall constitute a violation of this section.
- (C) If the sterilization agreement is violated, then, in addition to any other remedy provided by law, ownership of the animal shall revert to the releasing agency and the animal described therein shall be returned to the releasing agency. No claim may be made by the owner to recover expenses incurred for maintenance of the animal, including the initial procurement cost.
- (D) An animal which in the opinion of a veterinarian licensed to practice veterinary medicine in the State of Arkansas is medically compromised to the extent that it cannot withstand immediate

sterilization may be temporarily released pursuant to a foster care agreement until such time as it can safely be sterilized or until two veterinarians licensed to practice veterinary medicine in the State of Arkansas certify that it is unlikely that the animal will ever recover to the extent that it can safely be sterilized. At that time, ownership of the animal may be transferred to an owner who certifies that the animal will not be used for breeding.

(E) Violations of this section are declared to be misdemeanors punishable by a fine of not less than \$100.00 nor more than \$500.00.

Editor's Note: Deleted text denoted by ~~striketrough~~; added text by underline. No changes were made in paragraphs (A) through (E), which are included herein for informational purposes only.

SECTION 2: That all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

SECTION 3: That the provisions of this Ordinance are hereby declared to be severable, and if any section, phrase or provision shall be declared or held invalid, such invalidity shall not affect the remainder of the sections, phrases or provisions.

SECTION 4: It is hereby found and determined that there is an immediate need for clarification of the Animal Control Regulations on sterilization of impounded dogs and cats for equal and fair enforcement; THEREFORE, an emergency is hereby declared to exist, and this Ordinance shall be in full force and effect from and after its passage and approval.

PASSED:

APPROVED:

SPONSOR:

ATTEST:

Murry Witcher
Alderman Murry Witcher

Mayor Patrick H. Hays
Diane Whitbey, City Clerk

APPROVED AS TO FORM:

C. Jason Carter
C. Jason Carter, City Attorney

PREPARED BY THE OFFICE OF THE CITY ATTORNEY/b

FILED 7/1:30 A.M. P.M.

BY City Atty Carter

DATE 02-02-10

Diane Whitbey, City Clerk and Collector
North Little Rock, Arkansas

RECEIVED by A. Hodge